

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

HUGHEY & PHILLIPS, LLC,

Plaintiff/Counterclaim  
Defendant,

-vs-

Case No. 3:11-cv-134  
District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

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DIALIGHT CORPORATION

Defendant/Counterclaim  
Plaintiff.

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**STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE**

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The Court has before it the Joint Motion to Dismiss without Prejudice. In consideration of the parties' Joint Motion to Dismiss all claims and counterclaims without prejudice asserted by Plaintiff and Counterclaim Defendant Hughey & Phillips, LLC and Defendant and Counterclaim Plaintiff Dialight Corporation, the Court is of the opinion that the motion should be GRANTED.

IT IS ORDERED, ADJUDGED AND DECREED that the Court's prior Order of dismissal dated January 17, 2013, dismissing all claims with prejudice is vacated, and all claims and Counterclaims asserted in above-entitled suit are hereby DISMISSED without prejudice subject to the terms of the Settlement Agreement reached by the Parties in January 2013.

IT IS FURTHER ORDERED that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

January 23, 2013.

**S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge